

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Molly Woll,

Plaintiff,

vs.

West Publishing Corporation,

Defendant.

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**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Molly Woll (hereinafter “Woll”), for her Complaint against Defendant West Publishing Corporation, states and alleges as follows:

**I. FACTUAL BACKGROUND**

1. Plaintiff Molly Woll is an individual who resides in the State of Minnesota. She worked for West Publishing Corporation (West Publishing) in Eagan, Minnesota from July 10, 2007 to May 9, 2017, and at all material times worked as an Inside Sales Specialist.

2. Defendant West Publishing is a company that is engaged in the business of publishing business and legal materials with a place of business in Dakota County, in the state of Minnesota, where Woll worked.

3. This case concerns unpaid overtime owing to Plaintiff under the Fair Labor Standards Act (FLSA) 29 U.S.C. § 201, *et seq.* and the parallel provision of the Minnesota FLSA under Minn. Stat. § 177.23 and the Minnesota “prompt payment” statute, Minn. Stat. § 181.13.

4. The Court has jurisdiction over the matter because it raises a question arising under Federal law, pursuant to 28 U.S.C. § 1332 and pursuant to the state law, under the principles of supplemental jurisdiction, § 28 U.S.C. § 1367.

5. Venue is proper in this Court because the acts complained of occurred in whole or in part within the State of Minnesota, within this judicial district.

6. During the time Plaintiff worked for Defendant West Publishing as an Inside Sales Specialist, she was paid on a salary basis of about \$63,000 per year. As part of her compensation, Plaintiff also was paid bonuses monthly based on performance. Plaintiff was not given additional payment for work in excess of 40 hours per week.

7. Plaintiff routinely worked more than 40 hours per week, for which she was entitled to overtime compensation at the rate of 1-1/2 times her normal hourly rate, which she did not receive.

8. During some weeks, Plaintiff worked in excess of 48 hours per week without being paid overtime compensation.

9. Plaintiff was not paid for substantial periods of overtime work that she did while employed by West Publishing in the approximate amount of 1,333 hours at the overtime compensation rate.

10. Defendant West Publishing failed to make, keep and preserve records of the hours and other conditions and practices of employment of Plaintiff in violation of 29 C.F.R. 211(c).

11. By letter of March 3, 2018, West Publishing promised to pay to Plaintiff the overtime hours owed to her, and requested that she submit a log of her overtime hours. Plaintiff submitted a log of her overtime hours on March 23, 2018, and again on July 11, 2018 and provided all additional information subsequently requested by Defendant. Nevertheless, while continuing to assure her that it will pay the amount owed, Defendant has failed to pay her for her overtime hours.

**II. COUNT I: VIOLATION OF FAIR LABOR STANDARDS ACT**

12. Plaintiff realleges and incorporates the above allegations as though fully set forth and further states and alleges as follows.

13. The aforesaid conduct by Defendant West Publishing constitutes a violation of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 207.

14. Plaintiff is entitled to her unpaid overtime compensation in a reasonable amount in excess of \$50,000.

15. Plaintiff also is entitled to liquidated damages, double the amount of the unpaid overtime, pursuant to 29 U.S.C. § 216.

16. As a result of the above, Plaintiff is entitled to judgment against Defendant in a reasonable amount in excess of \$50,000, together with her reasonable attorney fees and costs incurred herein.

**III. COUNT II: MINNESOTA FLSA, § 177.25**

17. Plaintiff realleges and incorporates the above allegations as though fully set forth and further states and alleges as follows.

18. The aforesaid conduct by Defendant West Publishing constitutes a violation of the Minnesota FLSA, Minn. Stat. § 177.25.

19. Plaintiff is entitled to her unpaid overtime compensation in a reasonable amount in excess of \$50,000.

20. Plaintiff also is entitled to liquidated damages, double the amount of the unpaid overtime, pursuant to Minn. Stat. § 177.27, subd. 8, along with her attorneys fees and cost under Minn. Stat. 177.27, subd. 10.

21. As a result of the above, Plaintiff is entitled to judgment against Defendant in a reasonable amount in excess of \$50,000, together with her reasonable attorney fees and costs incurred herein.

**IV. COUNT III: MINN. STAT. § 181.13**

22. Plaintiff realleges and incorporates the above allegations as though fully set forth and further states and alleges as follows.

23. Plaintiff was terminated from her employment on or about May 9, 2017.

24. Plaintiff is entitled to prompt payment of her unpaid overtime compensation, pursuant to Minn. Stat. § 181.13.

25. Plaintiff made a written demand to West Publishing for her unpaid overtime compensation on or about March 23, 2018 and July 11, 2018.

26. Defendant's failure to pay the aforesaid sum constitutes a violation of Minn. Stat. § 181.13.

27. As a result of the above, Plaintiff is entitled to her overtime compensation in a reasonable amount in excess of \$50,000, together with a wage penalty in the amount of her average wages for a 15 day period, together with interest and her attorney's fees and costs incurred herein under Minn. Stat. 181.171.

**WHEREFORE**, Plaintiff Molly Woll requests judgments against Defendant West Publishing as follows:

1. Judgment in a reasonable amount in excess of \$50,000 for violation of the Fair Labor Standards Act, 29 U.S.C. § 207.

2. Judgment in a reasonable amount in excess of \$50,000 for violation of the Minnesota Fair Labor Standards Act, Minn. Stat. § 177.25.

3. Judgment against Defendant in favor of Plaintiff in a reasonable amount in excess of \$50,000 for violation of Minn. Stat. §181.13.

4. Judgment against Defendant for a wage penalty in the amount of her average wages for a 15 day period, pursuant to Minn. Stat. § 181.13.

5. Awarding Plaintiff liquidated damages for violation of the Fair Labor Standards Act, 29 U.S.C. § 216(b).

6. Awarding Plaintiff liquidated damages for violation of the Minnesota Fair Labor Standards Act, under Minn. Stat. § 177.27, subd. 8.

7. Awarding to Plaintiff pre-judgment and post judgment interest.

8. Awarding to Plaintiff her reasonable attorney's fees, costs and disbursements incurred herein, pursuant to 29 U.S.C. § 216, Minn. Stat. § 177.27, subd. 10, and Minn. Stat. § 181.171.

9. Such other and further relief as may be deemed just and equitable.

**10. PLAINTIFF DEMANDS A JURY TRIAL.**

**MEYER NJUS TANICK, PA**

Dated: February 7, 2019

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**ATTORNEYS FOR PLAINTIFF  
MOLLY WOLL**